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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Yoshihiro Matsuyama

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STAAS & HALSEY LLP

SUITE 700

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EXAMINER

TORRES, MARCOS L

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

07/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/981,982

Applicant(s)

MATSUYAMA ET AL.

Examiner

Marcos L. Torres

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5,9-11,16,17,20,21 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-5,9-11,16,17,20,21 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4-18-07 have been fully considered but they are not persuasive.
2. As to applicant argument that neither Sivula, nor Adachi disclose a content data providing information processing apparatus that provides said content data which is different from said processor because in Adachi the special application service center is a single device; it is noted that the above reasoning is misplaced, a special application service center is a service center not a single device, please see col. 7, lines 57-65. Regarding Adachi, applicant states that the control server 1 does not provide value-based services to a receiving device in response to the receipt of said transmitted content identification and said transmitted address of said receiving device from the value-added service center 3 but rather the control server 1 in Adachi provides value-added services based on its own personal database 10; please see col. 4, lines 53-56.
3. As to applicant argument that Adachi is a single device, please see col. 4, lines 53-56 and previous rejection in record.
4. The rest of the arguments they fall together for the same reasons as shown above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 3-5, 9-11, 16-17 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sivula (US 6,795,711) in view of Adachi US006829474B1.

As to claims 3 and 9, Sivula discloses an information processing apparatus for use in a system comprising a mobile communication network and a broadband communication network connected via gateway to said mobile communication network (see fig. 2, item 14, 26, 32, 30; fig. 3, item 36), said information processing apparatus comprising: a processor receiving a content transmission request including a content

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identification of a content determined by a user and an address of a receiving device (see fig. 1, item 16) determined by said user which is to receive data of said content (see col. 7, lines 20-25, 62-67), from a separate device (see fig. 1, item 10) different from said receiving device over a mobile communication network, in response to the receipt of said content identification and said received address of said receiving device from said separate device, said processor transmitting, said received content identification and said received address of said receiving device to a content data providing information processing apparatus which provides said content data and which is different from said processor, wherein the content data is provided by said content data providing information processing apparatus, in response to the receipt, from said processor of said transmitted content identification and said transmitted address of said receiving device, to said receiving over said broadband network (see col. 5, line 66 – col. 6, line 5; col. 7, lines 47-52; col. 8, lines 28-44; fig. 3, item 36, 46, 54, 62). Sivula does not specifically disclose that the connection between the processor and the content data providing information processing apparatus which is different from said first apparatus and is a broadband (high-speed) connection through the gateway. In an analogous art, Adachi discloses a content data information processing apparatus connected to the processor using a broadband (Internet) connection through the gateway (see fig. 1, items 1, 6, 7; col. 4, lines 53-56), thereby permitting to connect various content server connected to the internet. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of invention to use a broadband connection or any connection with enough broadband between the processor and the

content data providing information processing apparatus to maintain a good transfer of data.

As to claims 4 and 10, Sivula discloses the information processing apparatus wherein said processor transmits a Web page containing said content identification to said separate device over said mobile communication network (see col. 7, item 49-53).

As to claims 5 and 11, Sivula discloses the information processing apparatus according to claim 3 wherein said processor transmits further a user identification of the user to said content data providing information processing apparatus (see col. 7, lines 23-25).

Regarding claims 16-17 and 20-22, are corresponding stored program claim of the apparatus claims 3-4 and 9-10. Therefore they are rejected for the same reason shown above.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claim 25 is rejected under 35 U.S.C. 102(e) as being anticipated by

Suryanarayana US 20020155848A1.

As to claim 25, Suryanarayana discloses a method of directing content to a receiving device (see par. 0017), comprising: receiving on a information server via mobile communications network a request from a mobile device comprising a uniform resource locator of the content and an address of a receiving device separate from the mobile device (see par. 0045-0051); and transmitting from the information server via a gateway to a content server on a broadband network the request comprising the uniform resource locator of the content and the address of the receiving device separate from the mobile device, the content server transmitting to the receiving device separate from the mobile device the contents addressed by the uniform resource locator (see par. 0045-0056).

Conclusion

11. Examiner's note: Examiner has cited particular sections in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this Office Action should be mailed to:

U.S. Patent and Trademark Office
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

571-273-8300

for formal communication intended for entry, informal communication or draft communication; in the case of informal or draft communication, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L. Torres whose telephone number is 571-272-7926. The examiner can normally be reached on 8:00am-6:00 PM alt. Wednesday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcos L Torres
Examiner
Art Unit 2617


mlt


GEORGE ENG
SUPERVISORY PATENT EXAMINER